IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

WP(C).No. 22314 of 2006(F)

PETITIONER:
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1. BABU KURIVILA ALIAS VARKEY, S/O.KURUVILA ERANDACHANTHATTATHIL HOUSE, MARKET P.O. KADADTHY EAST, MUVATTUPPUZHA, ERNAKULAM DISTRICT.

2. POULOSE KURIVILLA ALIAS SABU, S/O.KURUVILLA, ERANCHATHOTTATHIL HOUSE, MARKET P.O. KADATHY EAST, MUVATTUPPUZHA, ERNAKULAM DISTRICT.

BY ADV. SRI.T.P.KELU NAMBIAR (SR.)
SRI.P.G.RAJAGOPALAN
SRI.M.GOPIKRISHNAN NAMBIAR

RESPONDENTS:
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1. THE UNION OF INDIA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, MINISTRY OF ROAD, TRANSPORT AND HIGHWAY, TRANSPORT BHAVAN, PARLIAMENT STREET, NEW DELHI 110 001.

2. STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, PUBLIC WORKS DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

3. THE CHIEF ENGINEER, NATIONAL HIGHWAY, PUBLIC WORKS DEPARTMENT, PUBLIC OFFICE BUILDING, THIRUVANANTHAPURAM.

R1 BY ASST.SG SRI P.PARAMESWARAN NAIR
R2 & 3 BY SR. GOVERNMENT PLEADER SMT. MEERA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/06/2007, ALONG WITH WPC NO. 32577 OF 2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

W.P.(C)Nos.22314 & 32577 of 2006

Dated, this the 20th day of June, 2007

JUDGMENT

H.L. DATTU, CJ.

In both these writ petitions the prayer of the petitioners is to direct the respondents in the writ petitions to complete the proceedings for acquisition of land for the formation of Karakunnam to Kadathi bypass road and also the widening of Cochin - Madurai National Highway.

2. It is the grievance of the petitioners before this court that though the project was initiated sometime in the year 1997, nothing seems to have been done by the respondents. Therefore, they are before this court for the aforesaid reliefs.

3. Respondent No.3 in W.P.(C)Nos.22314 of 2006 has filed a counter affidavit before this court. In that at paragraphs 4, 5 and 6 he has stated as under:

> "4. It is respectfully submitted that the Land Acquisition estimate for an amount of Rs.9.42 crores was submitted to the 1st respondent on 11.12.2000. This was returned unapproved seeking some clarifications. A true copy of the letter dated 20.3.2001 from the 1st respondent seeking clarifications is produced herewith and marked as ***Ext.R3(a).*** The clarifications sought for in Ext.R3(a) was furnished to the 1st respondent on 9.5.2001. A true copy of the said letter dated 9.5.2001 is produced herewith and marked as ***Ext.R3(b).*** The revised land Acquisition Estimate submitted in 2003 for 9.82 crores. This estimate was returned directing to submit only after inclusion of the same in the Annual Plan. A true copy of the said letter dated

30.8.2004 is produced herewith and marked as ***Ext.R3(c).*** The 3rd respondent submitted another land acquisition estimate for 12.30 crores on 25.2.2005 to the 1st respondent. But the proposal was not approved by the 1st respondent, for the reason that the minimum width of land acquisition for the bye pass should be 45 Metres. But the width of land in the proposed estimate was only 30 Metres.

5. The 1st respondent vide letter dated 26.4.2006 insisted the necessity to acquire land for a minimum width of 45 Metres for the bye pass. A true copy of the said letter dated 26.4.2006 bearing No.RW/NH-12012/17/05-KL (P7) is produced herewith and marked as ***Ext.R3(d).*** In Ext.R3(d) letter recommends geometrical improvement of the proposed alignment.

6. An agency was engaged for conducting fresh Engineering Survey to widen the land width from 30 metre to 45 metre and for improvement of geometry as stipulated in Ext.R3 (d). The agreement for fresh Engineering Survey was signed on 8.9.2006. The Engineering Survey would be completed before 31.1.2007. Thereafter the draft proposals, prepared in accordance with new Engineering Survey and in conformity with the norms for NH, prepared by the executive Engineer, approved both by Superintending Engineer and Chief Engineer will be submitted to the 1st respondent on or before 28.2.2007. If the draft proposals are accepted by the 1st respondent, with or without modifications, the next step is to effect permanent demarcation on ground by planting stones. It is submitted that only after the draft proposals are accepted by the 1st respondent, this respondent can complete demarcation of land and then to start the acquisition proceedings. There is no delay on the part of the respondents in completing the acquisition proceedings. Earnest and sincere efforts are being made by the respondents to complete the acquisition proceedings."

4. It is also stated by the 3rd respondent that earnest and sincere efforts are being made by the respondents to complete the acquisition proceedings.

5. In a matter of this nature, we cannot direct the respondents to complete the project within a particular time-frame since it involves too many agencies to approve the proposals made by the 3rd respondent. In that view of the matter, the reliefs sought for by the petitioners cannot be granted by this court. Accordingly these writ petitions require to be rejected and they are rejected. Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

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